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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,345	01/30/2004	James B. Clarke	06502.0577	5235

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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04/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,345

Applicant(s)

CLARKE ET AL.

Examiner

ADNAN M. MIRZA

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date 01/18/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Swann et al (U.S. 2005/0086239).

1. As per claims 1,11,17 Swann disclosed a method for providing an identification service in a distributed system, comprising: dynamically creating an application corresponding to each of a plurality of service elements, the service elements including an adapter, a filter, and a logger; receiving, by the adapter application, identification information corresponding to an item from a reader; providing the identification information from the adapter application to the filter application; (Page. 4, Paragraph. 0061) processing the identification information by the filter application to create processed information including at least an identification code for the item; providing the processed information from the filter application to the logger application; providing the processed information to a recipient by the logger application; and monitoring the application corresponding to each service to determine whether any application fails (Page. 10, Paragraph. 0120).

2. As per claims 2,12,22 Swann disclosed wherein the establishing further comprises: for each of the service elements, determining whether an application corresponding to the service element is running in the distributed system, and creating the application corresponding to the service element, if the application corresponding to the service element is not running in the distributed system (Page. 7, Paragraph. 0095).

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3. As per claim 3 Swann disclosed wherein the communication is established using an event handling protocol and the identification data is transmitted as an event produced (Page. 10, Paragraph. 0121)
4. As per claim 4 Swann disclosed wherein the communication is established using an event handling protocol and the processed data is transmitted as an event produced by the filter (Page. 14, Paragraph. 0190).
5. As per claim 5 Swann disclosed wherein the communication is established using an event handling protocol and the user is notified by an event produced by the filter (Page. 14, Paragraph. 0190).
6. As per claim 6 Swann disclosed further comprising re-establishing communication with a service element, when the service element fails (Page. 5, Paragraph. 0078).

7. As per claims 7,13 Swann disclosed wherein the service elements further include a queue, the method further comprising: receiving, by the queue, the identification data; and holding the identification data in queue for the filter (Page. 24, Paragraph. 0540).
8. As per claims 8,20 Swann disclosed wherein the processing further comprises: extracting an identification code from the identification data, and wherein the processed data comprises the identification code (Page. 10, Paragraph. 0121).
9. As per claims 9,15,21 Swann disclosed wherein the identification code is an electronic product code (EPC) (Page. 10, Paragraph. 0121).
10. As per claims 10,14,19 Swann disclosed wherein the reader is a Radio Frequency Identification (Page. 6, Paragraph. 0080).
11. As per claims 16,18 Swann disclosed formatting the processed data according to a format corresponding to the user (Page. 10, Paragraph. 0121).

Response to Arguments

12. Applicant's arguments filed 02/01/2008 have been fully considered but they are not persuasive. Response to applicant's arguments is as follows.

A. Applicant argued that prior art did not disclose, “dynamically creating an application corresponding to each of a plurality of service elements, the service elements including an adapter, a filter”.

As to applicants argument Swann disclosed, “The system can give them the ability to create dynamic reports from their defined fields, not from fields that some else has pre-selected and implemented as part of the application. The Query builder gives an unlimited number of search and retrieve permutations” (Page. 24, Paragraph. 0540).

Conclusion

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

15. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145